

**BEFORE THE**  
**STATE OF WISCONSIN**  
**DIVISION OF HEARINGS AND APPEALS**

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In the Matter of the Motor Vehicle Dealer  
License of B & R Auto.

Case No.: 95-H-892

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**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND  
ORDER**

On February 6, 1995, the Department of Transportation filed a complaint with the Division of Hearings and Appeals seeking the suspension of the motor vehicle dealer license of B & R Auto. Pursuant to due notice a hearing was held on March 9, 1995 in Madison, Wisconsin. Mark J. Kaiser, Administrative Law Judge, presided.

In accordance with §§227.47 and 227.53(1)(c), Stats., the parties to this proceeding are certified as follows:

Wisconsin Department of Transportation, Complainant,  
by Attorney Charles M. Kernats

B & R Auto, respondent,  
Route 4  
Boscobel, WI 53805  
no appearance

Findings of Fact

The respondent failed to appear at the hearing or show good cause for his failure to appear. Pursuant to §OCT 1.05(2), Wis. Adm. Code, and upon the motion of the complainant, the following allegations contained in the complaint and the affidavit filed in support of the complaint are found to be true:

1. B and R Auto holds a motor vehicle dealer license issued by the Department of Transportation (Department). The address for B and R Auto is Route 4, Boscobel, Wisconsin.
2. Motor vehicle dealers are required by §218.01(2)(bb), Stats., to maintain a \$25,000 surety bond or letter of credit as a condition of obtaining and maintaining a motor vehicle dealer license. B and R Auto has failed to maintain a surety bond or letter of credit. No bond or letter of credit has been in force for B and R Auto since February 6, 1994.

Conclusions of Law

1. Pursuant to §218.01(3)(a)7, Stats., failure to furnish and keep in force any required bond is grounds for denial, suspension or revocation of a motor vehicle dealer license.
2. Pursuant to §227.43(1)(bg), Stats., the Division of Hearings and Appeals has the authority to issue the following order.


Order

The motor vehicle dealer license of B and R Auto is suspended.

Dated at Madison, Wisconsin on March 10, 1995.

STATE OF WISCONSIN  
DIVISION OF HEARINGS AND APPEALS  
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By



Mark J. Kaiser

Administrative Law Judge